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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VO, TUYET THI

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,676

Applicant(s)

APPELBERG ET AL.

Examiner

Tuyet Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 3
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

This is a response to applicant's telephone request made August 27, 2002. A new statutory response period of three months has been solicited in this request citing the delay of mailing of the office action dated August 14, 2002. The request is granted. A new period for responding to the attached office action is hereby reset to commence for a period of 3 months starting from the mailing date of this action.

Oath/Declaration

The declaration filed May 10, 2001 has been found acceptable.

Drawings

The drawings filed June 16, 1999 are objected by Notice of Draftperson's Patent Drawing Review.

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the low-level marking of the path of egress required in claim 2 as well as the electro-luminescent panel stripe required in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kim et al. (US Pat. 6,265,833) hereinafter Kim.

Kim discloses a lighting apparatus comprising:
an electro-luminescent panel (5);
means (4) for providing electrical power to illuminate the panel; and
control means (3) electrically coupled to the electrical power means (4) and the panel (5) for illuminating a predetermined area in response to an ambient intensity level as an input stimulus for energizing the panel (Fig. 1).

However, Kim does not limit the lighting apparatus to be used within a building as claimed invention required.

It has been held that a recitation with respect to the manner in which the claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitation. Therefore, Kim's lighting system can be applied extendedly wherever needed as long as the surrounding of the lighting system can be

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sensed and used as an input to stimulate the lighting system. Such modification is considered as a routine skill in the art.

4. Claims 1 and 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Conley, III et al. (US Pat. 6,285,132) hereinafter Conley.

Regarding claim 1, Conley discloses an emergency lighting test system (Fig. 1) comprising:

An electro-luminescent device (13)
means (10,10A, 11, 11A and 19) for providing electrical power to the device (13); and
control means (17) electrically coupled to the electrical power means (19) and the device (13) for illuminating a predetermined area in response to an input stimulus (22).

Nevertheless, Conley does not disclose an electro-luminescent panel as claimed invention required.

It would have been obvious matter of design choice to select any form of luminescent device such as electro-luminescent panel as long as it suitable, since applicant has not disclosed that the electro-luminescent panel solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any electro-luminescent device such as a fluorescent lamp which emits a visible light when being excited by an electric power.

Regarding claim 6, Conley further discloses the power means (10,10A, 11, 11A and 19) comprises an electro-luminescent power supply (10A, 19) having an input coupled to the line side of an electrical switch (17D) supplying commercial AC power to conventional lighting (10) located in the designated area and to a DC voltage source (11) in the absence of AC power at the line side of the electrical switch (col. 4, lines 1-19).

5. Claim 2, 4 and 5 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Conley in view of Gross et al. (US Pat. 5343,375) hereinafter Gross.

Conley discloses the claimed invention as noted above except for a path marking of egress of a stripe in low level near to floor of predetermined designated area or a EL panel lights an exit sign.

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Gross teaches emergency egress illumination and marker light stripe door (Fig. 1), comprising a stripe (40) providing a path of marking egress located near building floor as well as light emitting devices (46, 50) lighting the exit sign located near a door (col. 4, lines 6-65 and col. 5, lines 1-32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize electro-luminescent stripe as taught by Gross into Conley emergency lighting system in order to improve reliability of the visible emergency system as well as to extend adaptability of variety of different passageway configuration

Allowable Subject Matter

6. Claims 7-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to suggest a distributed emergency building lighting system using a power supply for driving an electro-luminescent panel, wherein the power supply further comprises means for adjusting the light intensity of the EL panel as required in claim 7. The prior art further fails to include self-diagnostic testing means detecting electric short circuit and an electrical open circuit of an EL panel as required in claim 8.

Citation of pertinent prior art

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Burbank (US Pat. 6,307,207) discloses photo-luminescent emergency egress pathway marking system.

Moreland (US Pat. 6,000,807) discloses switch cover plate providing automatic emergency lighting.

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McAfee et al. (US Pat. 5,859,499) discloses emergency lighting system with a DC sensing load relay.

Pitman et al. (US Pat. 5,724,909) discloses passive pathway marking system.

Vore (US Pat. 3,809,917) disclose emergency auxiliary circuit switch and lighting system.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 703 306 5497. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 703 308 4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.


Tuyet Vo

August 27, 2002